

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 9, 2011

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JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 9, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Bishop R. Walker Nickless, of the Sioux City Diocese in Sioux City, Iowa. He was the guest of Senators Anderson and Bertrand.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Tuesday, February 8, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 126, a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

Read first time and referred to committee on **Ethics**.

House File 184, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Read first time and referred to committee on **Education**.

House File 185, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Read first time and referred to committee on **Education**.

House File 189, a bill for an act establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber the Honorable Dave Mulder, former member of the Senate from Sioux County, Sioux Center, Iowa. He was accompanied by his wife, Dot.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:11 a.m. until 9:00 a.m., Thursday, February 10, 2011.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Implementation Status Report on the Mental Health Services System for Children, Youth, and Their Families, pursuant to Iowa Code section 225C.54(5). Report received on February 8, 2011.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Michael Canfield, Dubuque—For achieving the rank of Eagle Scout. Senator Hancock (2/9/11).

Barbara Hudgel, Burlington—For celebrating her 90th birthday. Senator Courtney (2/9/11).

John Mauss, Sioux Falls, South Dakota—For achieving the rank of Eagle Scout. Senator Hancock (2/9/11).

Jan and Kathy McCaughey, Hartford—For celebrating their 50th wedding anniversary. Senator Sorenson (2/9/11).

Gene and Gladys Oberman, Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (2/9/11).

Erika McWell, Sioux City—For receiving the 2011 Iowa Child at Heart Award. Senators Bertrand and Anderson (2/9/11).

Kyle Schroeder, Dubuque—For achieving the rank of Eagle Scout. Senator Hancock (2/9/11).

Larry Swore—For celebrating his 90th birthday. Senator Courtney (2/9/11).

Frank Trevitt, Mediapolis—For celebrating his 90th birthday. Senator Courtney (2/9/11).

Willis Wagner, Holy Cross—For his outstanding dedication and service for many years in Iowa's emergency services. Senator Hancock (2/9/11).

Henry Westhoff, New Vienna—For his outstanding dedication and commitment during 20 years of service as the New Vienna Fire Chief. Senator Hancock (2/9/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 8, 2011, 4:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, and Wilhelm.

Members Absent: Zaun (excused).

Committee Business: Presentation by Associations Marketing Group, Inc.

Adjourned: 4:55 p.m.

EDUCATION

Convened: Wednesday, February 9, 2011, 1:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Passed [SF 10](#), as amended, and [SF 74](#).

Adjourned: 1:40 p.m.

STATE GOVERNMENT

Convened: Wednesday, February 9, 2011, 2:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: Courtney (excused).

Committee Business: Approved [SSB 1067](#). Presentation by the Department of Management.

Adjourned: 2:50 p.m.

VETERANS AFFAIRS

Convened: Tuesday, February 8, 2011, 3:05 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Passed [SF 79](#). Approved [SSB 1047](#). Presentation by the Adjutant General.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, February 9, 2011, 10:05 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by the Governor's Office and the Department of Management.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, February 9, 2011, 10:05 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the Honey Creek Destination Resort.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, February 9, 2011, 10:10 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Budget presentations by PERB and DCA.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 9, 2011, 10:05 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Presentation by the Board of Regents and five state schools.

Adjourned: 11:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Wednesday, February 9, 2011, 10:00 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None

Committee Business: Presentation by the Honey Creek Destination Resort.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 181, by Danielson, a bill for an act providing for the modification of property divisions made pursuant to a dissolution of marriage.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 182, by Danielson, a bill for an act related to candidacy and service in elective public office of public employees.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 183, by Danielson, a bill for an act requiring public employers to pay public employees military differential pay.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 184, by committee on Transportation, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 185, by committee on Human Resources, a bill for an act relating to the membership of the medical assistance advisory council.

Read first time under Rule 28 and **placed on calendar**.

Senate File 186, by Schoenjahn, a bill for an act allowing in-state bidders to match comparable out-of-state bids for purchases or public improvements through a competitive bidding process by the state or political subdivisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 187, by Chelgren, Anderson, Bertrand, Johnson, Ernst, Boettger, Bartz, Sorenson, Zaun, Hahn, and Kapucian, a bill for an act repealing statewide licensure requirements for electricians and electrical contractors, including transition provisions, and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 188, by Chelgren, Sorenson, Whitver, Ernst, Zaun, Feenstra, Bartz, Hahn, and Kapucian, a bill for an act repealing the Iowa plumber, mechanical professional, and contractor licensing Act.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 189, by Feenstra, a bill for an act relating to the mechanism by which a county may consolidate the functions of certain county officers.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 190, by Sodders, a bill for an act providing for a deaf and hard-of-hearing children's educational bill of rights.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 191, by Bowman, a bill for an act relating to funding requirements for whole grade sharing agreements.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 192, by committee on Natural Resources and Environment, a bill for an act relating to snowmobile registration and permit fees.

Read first time under Rule 28 and **placed on calendar**.

Senate File 193, by Zaun, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Read first time under Rule 28 and referred to committee on **Agriculture**.

Senate File 194, by committee on Veterans Affairs, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 195, by Bacon, a bill for an act providing an exemption from the fee for new vehicle registration for motor vehicles transferred between certain dealerships upon termination of the vehicle brand, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 196, by Johnson, a bill for an act abolishing county compensation boards.

Read first time under Rule 28 and referred to committee on **Local Government**.

STUDY BILLS RECEIVED

SSB 1098 Commerce

Relating to prohibited concealments, suppressions, or omissions of material facts in connection with new motor vehicle repairs.

SSB 1099 Commerce

Establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

SSB 1100 Human Resources

Relating to medical assistance program-related provisions.

SSB 1101 Human Resources

Relating to child support recovery.

SUBCOMMITTEE ASSIGNMENTS

Senate File 109

WAYS AND MEANS: Dandekar, Chair; McCoy and Smith

Senate File 132

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 133

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 134

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 135

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 136

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 137

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 178

ECONOMIC GROWTH/REBUILD IOWA: Rielly, Chair; Bertrand and Dotzler

Senate File 181

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

Senate File 183

VETERANS AFFAIRS: Danielson, Chair; Seymour and Soddors

House File 126

ETHICS: Kibbie, Chair; Behn, Fraise, Kettering, McKinley, and Seng

SSB 1098

COMMERCE: Anderson, Chair; Dandekar and Wilhelm

SSB 1099

COMMERCE: McCoy, Chair; Dandekar and Feenstra

SSB 1100

HUMAN RESOURCES: Ragan, Chair; Johnson and Wilhelm

SSB 1101

HUMAN RESOURCES: Ragan, Chair; Whitver and Wilhelm

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *[SENATE FILE 185](#) (SSB 1080), a bill for an act relating to the membership of the medical assistance advisory council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 185](#), and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *[SENATE FILE 192](#) (SSB 1079), a bill for an act relating to snowmobile registration and permit fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Black, Hahn, Behn, Bolkcom, Hancock, Hogg, Kapucian Ragan, Schoenjahn, and Seng. Nays, 1: Sorenson. Absent, 1: Hamerlinck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on [Senate File 192](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: *[SENATE FILE 184](#) (SSB 1032), a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Ernst, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, 1: Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on [Senate File 184](#), and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: *[SENATE FILE 194 \(SSB 1047\)](#), a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on [Senate File 194](#), and they were attached to the committee report.